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EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2616

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,779

Applicant(s)

NAKAJIMA, YASUHISA

Examiner

Jamie Vent

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim January 24, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 37, 38, and 39 are rejected under 35 U.S.C. 102(e) as being unpatentable by Saitoh et al (US 6,839,851).

[claims 21, 27, 30, & 37]

In regard to Claims 21, 27, 30, and 37, Saitoh et al discloses an information processing apparatus,

comprising:

- a processor, the processor being operable to control input of first data associated with content data to be broadcast by digital broadcast transmission to generate first control information for controlling the deletion of the content data from recording medium after the content data is received through the digital broadcast transmission and recorded onto

the recording medium (Figure 4 shows a microcomputer 414 which acts as a processor for generating first control information as further described in Column 4 Lines 5+), the first control information for performing least one of the following: (a) directly indicating a time interval from the time of recording the content data at which the content data is to be deleted (Column 5 Lines 10-35 describes the time interval from the time of recording content to deletion); (b) indicating a permitted number of times for copying the content data after which the content data is to be deleted; (c) indicating a permitted number of times for reproducing the content data after which the content data is to be deleted (Column 5 Lines 35+ describes the permitted number of times that the content can be reproduced as further seen in Figure 3); and (d) indicating that a charge for reproducing the content data changes relation to the number of times the content data is reproduced; to insert the first control information and the first data into a control message, and to output the control message for multiplexing with the content data for broadcast via the digital broadcast transmission (Column 3 Lines 5-45 describes the indication of a charge for reproducing the content data).

[claims 22, 28, 32, & 38]

In regard to Claims 22, 28, 32, and 38, Saitoh et al discloses an information processing apparatus according to wherein the first control information indicates that a charge for reproducing the content data changes in relation to the number of times the content

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data is reproduced, the first control information further indicating charging value to be divided in relation to a number when the content data is reproduced an nth time (Column 3 Lines 10-25 describes the charging for reproducing the content data).

[claims 23, 29, 33, & 39]

In regard to Claims 23, 29, 33, and 39, Saitoh et al discloses an information processing apparatus according to claim wherein the first control information indicates that the content data is to be deleted at the earliest of (a) a time interval measured from the time of recording the content data from the digital broadcast transmission, as indicated directly by the content data (Column 5 Lines 10-35 describes the time interval from the time of recording content to deletion); and (b) after the content data is copied a permitted number of times (Column 3 Lines 5-35 describes the number of permitted times the content is to be copied).

[claim 31]

In regard to Claim 31, Saitoh et al discloses a method further comprising:

- multiplexing the content data with the control message to produce multiplexed data and transmitting the multiplexed data via digital broadcast transmission (Figure 5 shows the content data to be multiplexed and transmitted through the digital broadcast transmission);
- receiving and demultiplexing the multiplexed data by a second information processing apparatus having a recording medium receive the content data and control information contained in the control message (Figure 3 shows

- the receiving and demultiplexing of the data by the second information processing apparatus); and
- recording the received content data onto the recording medium (Figure 3 shows the recording of the received content); and
 - deleting the content data from the recording medium when one of the conditions indicated by the control information for deleting the content data is satisfied (Figure 6 shows the deletion of content material depending on control information).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh et al (US 6,839,851) in view of Kato et al (US 6,470,496).

[claims 24 & 34]

In regard to Claims 24 and 34, Saitoh et al discloses an information processing apparatus; however, fails to disclose wherein the control message includes an ECM (Entitlement Control Message) and the information processing apparatus further includes an encoder operable to code the content data and to multiplex the encoded content data with the ECM via an MPEG (Motion Picture Experts Group 2) transport stream.

Kato et al discloses a system wherein the control message includes an ECM message and furthermore includes an encoder operable to code the content data and to multiplex the encoded content data with the ECM via an MPEG 2 Transport stream as seen in Figure 1 and further described in Column 1 Lines 27-57. By providing the first control information into the ECM section of the MPEG 2 transport stream allows for the decrypting encrypted information to be provided as well as information such as the following: word key, scramble keys, date and time information, and recording control information, which is provided throughout the system in order to access the reproducing of content. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information processing apparatus, as disclosed by Saitoh et al, and further incorporate a system which includes control messaging in the ECM, as further described in Kato et al.

4. Claims 25, 26, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh et al (US 6,839,851) in view of Kato et al (US 6,470,496) in further view of Sonoda et al (US 6,622,004).

[claims 25, 26, 35, & 36]

In regard to Claims 25, 26, 35, and 36, Saitoh et al in view of Kato et al discloses an information processing apparatus according to claim 24; however, fails to disclose that the encoder is operable to multiplex the encoded content data in a carousel manner and the control message includes information inserted into an adaptation header of a DII (Download Info Indication) packet of the transport stream.

Sonoda et al discloses a system wherein the encoding of the content data is done in a carousel manner and the control message includes the download info indication packet as further described in Column 16 Lines 15+. The transmitting of packets in the carousel manner allows for selectively receiving of data and the placement of control information through the DII packet allows for an easier processing by the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information processing apparatus, as disclosed by Saithoh et al in view of Kato et al, and further incorporate a system wherein the encoding is done in a carousel manner and includes information into the adaptation header of the DII, as disclosed by Sonoda et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent
06/24/05


THAI TRAN
PRIMARY EXAMINER